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Date: APRIL 28, 2005

To: EXAMINER BONSHOCK, DENNIS G.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 872-9306

From: FRANK C. NICHOLAS
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Client/Matter No.: AUS920010828US1 (9000/78)

of Pages: 7

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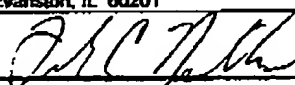
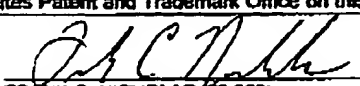
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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Attorney Docket No.	AUS920016828US1 (9000/78)
	Application Number	09/981,905
	Filing Date	OCTOBER 18, 2001
	First Named Inventor	ANTHONY E. MARTINEZ
	Group Art Unit	2173
	Examiner	BONSHOCK, DENNIS G.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Under 37 CFR 1.136 <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, att <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Raising Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Reply Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.

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Incep.		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—		+ \$360=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

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Firm or individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
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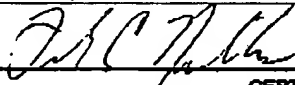
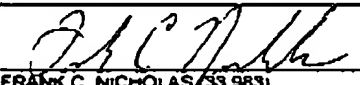
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	Examiner	BONSHOCK, DENNIS G.

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Indep		Minus		0	x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=	—	+ \$360=	
					total add'l fee	\$ 0	total add'l fee	\$ 0

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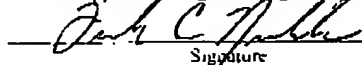
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FRANK C. NICHOLAS (33,983)

Name of applicant, assignee or registered representative



Signature

April 28, 2005

Date of Signature

PATENT

Case No. AUS920010828US1
(9000/78)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

ANTHONY E. MARTINEZ, ET AL.

Serial No.: 09/981,905

Filed: OCTOBER 18, 2001

Title: METHOD OF VISUALLY INDICATING)
TRANSFER OF DATA IN RESPONSE TO)
A TRANSFER DATA COMMAND)

Examiner: BONSHOCK, DENNIS G.

Group Art Unit: 2173

REPLY BRIEFCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

Appellants respectfully present their Reply Brief on Appeal as follows:

April 28, 2005
Case No.: AUS920010828US1 (9000/78)
Serial No.: 09/981,905
Filed: October 18, 2001
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GROUP I:

The Examiner raises no new grounds in his response, and continues to fail to prove a case of anticipation for claims 1-3, 6, 9-11, 14, and 17 under 35 U.S.C. §102(e) by Johnson.

The claims clearly require a "display position indicator" that is not disclosed by Johnson, and there can therefore be no anticipation. As Appellants have previously noted on several occasions, the claimed display position indicator indicates a *completion level* of a data transfer. In contrast, Johnson simply provides visual feedback to provide the user a "feeling of physical control while moving selected text within a document." Johnson, column 1, lines 52-54. This feeling of "physical control" is created by "snapping text" to a cursor "so that the text object follows the cursor without obscuring the insertion point." Johnson, column 1, lines 45-48. Upon selecting an insertion point, the selected text is "visually zoomed from the source location to the insertion point." Johnson, column 1, lines 50-53.

In order to illustrate anticipation, the Examiner must show that any of these Johnson disclosures are identical to indicating completion level. Plainly, the Examiner did not, and cannot, succeed in any such endeavor. Since Johnson does not disclose a display position indicator as claimed, Johnson cannot anticipate the claimed invention, and Appellants request allowance of claims 1-3, 6, 9-11, 14, and 17 from Group I.

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GROUP II:

The Examiner fails to prove a case of anticipation against Group II. For example, claim 4 requires, *inter alia*, "reducing a marked object to a reduced object and moving the reduced object through the display position indicator into an indicator bubble." The Examiner does not even address this claim element, instead focusing his attention on "limiting the size of the marked object to create a representation of the text object that doesn't obscure as much display space." Such a disclosure, even if accurate, does not disclose that a reduced object is moved through the display position indicator (as above, Johnson does not disclose a display position indicator at all) into an indicator bubble. The Examiner makes no argument relating to any alleged disclosure of an "indicator bubble" or that the reduced object is moved into the indicator bubble.

Thus, the Examiner has failed to show a case of anticipation under §102(e) for the claims in Group II, and Appellants request allowance of claims 4-5, 7-8, 12-13 and 15-16 from Group II.

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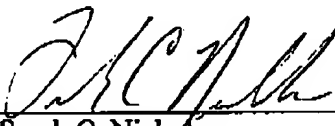
CONCLUSION

The Applicants respectfully submit that claims 1-17 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: April 28, 2005

Respectfully submitted,
ANTHONY E. MARTINEZ, *et al.*

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